

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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3  
4 United States of America,

5 Plaintiff,

NO. CR10-199RSM

6 v.

SENTENCING HEARING

7 Marlon Joe Tramble,

SEATTLE, WASHINGTON

March 4, 2011

8 Defendant.

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10 VERBATIM REPORT OF PROCEEDINGS  
11 BEFORE THE HONORABLE RICARDO S. MARTINEZ  
12 UNITED STATES DISTRICT JUDGE

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14 APPEARANCES:

15 For the Plaintiff: Ye-Ting Woo

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17 For the Defendant: Jennifer Wellman  
Dennis Carroll

18  
19 For U.S. Probation: Todd Sanders

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21 Reported by: Denae Hovland, RPR, RMR, CRR  
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23  
24 Proceedings recorded by mechanical stenography, transcript  
25 produced by Reporter on computer.

1           THE CLERK: This is the sentencing hearing in United  
2 States vs. Marlon Joe Tramble, Cause Number CR10-199 assigned to  
3 this court. Will counsel please rise and make their appearances?

4           MS. WOO: Good afternoon, Your Honor, Ye-Ting Woo for  
5 the United States.

6           MS. WELLMAN: Good afternoon, Your Honor, Jennifer  
7 Wellman and Dennis Carroll on behalf of Mr. Tramble, who is with  
8 us at counsel table.

9           THE COURT: Counsel, thank you. Counsel, let me  
10 indicate for you and for the record exactly what the court has  
11 received and had a full opportunity to review prior to our  
12 sentencing hearing this afternoon.

13          The court has reviewed the plea agreement of the parties,  
14 the government's sentencing memo, the attachments to the  
15 government's sentencing memo, the defendant's sentencing memo  
16 with all of the attachments, exhibits, the defense supplemental  
17 sentencing memorandum.

18          The court received a letter from the defendant's mother with  
19 some attachments, as well, and, of course, the presentence report  
20 prepared in this case by U.S. Probation Officer Diane McLuen.  
21 Present in court representing probation is Supervising Probation  
22 Officer Todd Sanders.

23          Trusting the parties have received the same materials and  
24 having had a full opportunity to review all of those materials,  
25 if I could have the government indicate their recommendation for

1 sentence.

2 MS. WOO: Good morning, Your Honor. I'd like to at  
3 least begin by forgiving my hoarse voice. I've had a very bad  
4 cold this week, so hopefully I won't start coughing too much.

5 THE COURT: That's fine.

6 MS. WOO: Your Honor, this case has been, I think, a  
7 difficult one for the government on many levels, one of which is  
8 the victim. Certainly, we consider her to be quite scarred, not  
9 only by this incident, but by underlying tragedies in her life,  
10 as well as difficult because we recognize that the defendant is  
11 still a young man. Although he's had a difficult childhood, he's  
12 also done -- he's also committed a very serious crime, and he's  
13 had a long, long criminal history.

14 And so in balancing what is appropriate, that's a challenge  
15 to the government, as much as it is a challenge to the court.  
16 And here we are faced with where is the right amount of time.  
17 Ninety-six? 120? 144?

18 As you know, the government is asking for 144, and there are  
19 some factors that tip us towards the high end, which I do think  
20 distinguishes this case from some of the other cases that I have  
21 worked on, that counsel has presented in their sentencing  
22 memorandum materials, and there are just some images that have  
23 struck me that have caused me to really, again, move towards the  
24 higher end and ask for 12 years.

25 The image of the defendant lifting up this 18-year-old girl

1 by the neck off the ground so that she cannot breathe, that's far  
2 more serious than slapping, hitting or pushing. And I'm not  
3 saying, of course, slapping, pushing and hitting is justifiable.  
4 It's not. But when you go and you cross the line and you get to  
5 a point where a couple more seconds could have caused her to lose  
6 oxygen. This happened when she was seven months pregnant. It  
7 happened on multiple occasions. It's corroborated by a police  
8 report. And even more meaningful, it's corroborated by his tone  
9 of voice with her and the threats that he made to this young  
10 woman when the police were trying to find him. That is what tips  
11 it from 96 to 144 months.

12 So those are the distinctions that we have made here in  
13 considering the facts of the case.

14 I know that that's one issue with the amount of time that  
15 this young man deserves. I do think it's very important to keep  
16 our community safe, because he has become a predator, whether he  
17 intended to or not. Whether it was the circumstances of his  
18 childhood, he has become a predator. And if he had been caught  
19 earlier on, maybe we could have stopped it, maybe we could have  
20 changed it. But at this point to some degree, we have a  
21 responsibility to protect our community, to protect those girls  
22 who are on the verge of making the wrong decision. And when he  
23 met the victim in this case, she was on the verge of making that  
24 wrong decision, and he was responsible for leading her down that  
25 path.

1           And I can tell you from working with many victims similar to  
2 the victim in this case, that when you are led down that wrong  
3 path and you have a person that you look up to, which she did,  
4 she looked up to this man. She wanted him to love her. She  
5 wanted him to take care of her. He promised her things that she  
6 thought no other person had ever promised her or could do for  
7 her. And he took advantage of that. And he has that ability to  
8 take advantage of that in other young women as well. But once  
9 she was led down that road, that became the life that she knew.

10           And, yes, she may have relapsed on prior occasions, but in  
11 the psychology of these young women who are led down this road,  
12 it's quite common for them to relapse. It's like putting a  
13 bottle of alcohol in front of a person who has a higher  
14 propensity to drink and have them start drinking. They are going  
15 to relapse. It doesn't mean they are a bad person. It means  
16 that they are struggling.

17           But what this defendant did was he put that bottle in front  
18 of her, and he knew that she would take it, and he knew that if  
19 he kept putting it in front of her, she was going to keep  
20 drinking. That's an analogy that has been meaningful to me in  
21 trying to understand the dynamic in these relationships between  
22 young men and young women and the men who exploit the women.

23           I also want to address the supervised release conditions  
24 that we're asking. Certainly, the court is not required to  
25 impose any sexual deviancy treatment program or some of the other

1 conditions that I have asked for, but I do think that there is a  
2 need here because of this defendant's background, and certainly  
3 due to no fault of his own. If he has been sexually abused as a  
4 child and he's exhibiting behavior in which he acts out as a  
5 result of that abuse, that actually makes him -- gives a higher  
6 likelihood that he does have sexually deviant behavior. All I'm  
7 asking for is this court to have treatment imposed, or at least  
8 at a minimum, actually, an evaluation, an evaluation which does  
9 not hurt him and, in fact, can improve his life.

10 If the evaluation determines he's not a sexual deviant, he's  
11 not required to go through the program. If the evaluation  
12 determines he is, then all the better for him. We are hoping  
13 that, of course, throughout all of this, ultimately his life will  
14 improve.

15 His first sexually motivated contact was when he was 12  
16 years old. I think this is very different from the other  
17 defendant who the defense has pointed out is a similar candidate,  
18 which was Toda Robinson, and Mr. Robinson did not have that  
19 history.

20 Mr. Tramble has had repeated sexual misconduct, as well as  
21 assault conduct with women and teenage girls and people in  
22 authority, including his most recent, even though it's not an  
23 assault, but his refusing to obey orders at the FDC. So I think  
24 that there are some programs that can be put into place to assist  
25 him if there is a chance at this point at 26 years of life that

1 he can turn the corner and not hurt other people.

2 I also think that there is a basis, as a result of his  
3 history, to restrict his contact with minors, and certainly  
4 that's at the discretion of the probation office when he's on  
5 supervised release. If he's been through any sort of mental  
6 health treatment or sexual deviancy treatment and, you know, in  
7 the end if it's determined that it's not necessary, it certainly  
8 is up to the discretion of the probation office at the time to  
9 seek to remove that condition or determine that it's not  
10 necessary.

11 But I think for now, based on what we know, that ensuring  
12 that he does not have access to minors, ensuring that he is not  
13 around minors, that he is out of -- stays out of areas where  
14 there may be high prostitution areas, that we have a  
15 responsibility to protect the citizens in our country from people  
16 who at least to this point have demonstrated that they can and  
17 will prey on others for their own benefit.

18 There is also an agreement by the parties for the defendant  
19 to pay the amount of restitution, and we will include that in the  
20 judgment. And just for the court's information, when I have  
21 handled this type of situation in the past, I will not put the  
22 identity of the victim's name, but indicate in the judgment that  
23 any funds paid should be sent to the clerk's office, and then I  
24 will provide the clerk's office with the name and address of the  
25 victim to maintain confidentiality for the victim.

1           And lastly, I'd ask the court to -- for the record, to  
2           ensure that we have a complete record, to advise the defendant  
3           that he has waived his right to appeal, assuming that the court  
4           imposes a sentence within the agreed range.

5           Does the court have any questions for me?

6           THE COURT:   Yes, I have one.   One of the special  
7           conditions of supervised release that you request is that he have  
8           no direct or indirect contact with the individual known as female  
9           victim one, juvenile female one.   How do you handle that in the  
10          judgment form in terms of naming them?

11          MS. WOO:   Well, we generally will indicate female  
12          victim one and juvenile.   We don't put their names in there.  
13          Sometimes we will say not to contact any victims or witnesses in  
14          the case.   And, certainly, if the court prefers, I can clarify  
15          that in writing with counsel, but in our discovery production  
16          with them, they have received statements of both of those  
17          victims, are well aware of their names.

18          THE COURT:   Thank you.

19          MS. WOO:   You're welcome.

20          THE COURT:   Ms. Wellman?

21          MS. WELLMAN:   Thank you, Your Honor.   Your Honor, first  
22          let me begin by making sure Your Honor knows who is in the  
23          courtroom on behalf of Mr. Tramble.   Gail Gausby is in the blue  
24          shirt directly behind me.   She is Mr. Tramble's mom.   Also with  
25          her are his sisters, Dayen and Naria.   They all flew in from out



1 of town to be here today and show their support, in addition to  
2 her letter to you, Your Honor, and let Mr. Tramble know that they  
3 are standing by him whenever his sentence ends, whatever Your  
4 Honor imposes.

5 I was going to start differently, but I think given  
6 Ms. Woo's remarks with respect to supervision terms, this isn't a  
7 sexual deviancy case. This isn't a case involving juveniles. I  
8 think it would be irresponsible for Your Honor to condone putting  
9 those kind of conditions on -- in this kind of case given the law  
10 and the constitution.

11 She distinguished it from Mr. Robinson's case, so I  
12 apologize for taking the time to do this, but I am going to do  
13 it. I am going to read, from the government's memo, their  
14 description of Mr. Robinson's background. This is Robinson's  
15 seventh felony criminal conviction. His criminal history began  
16 when he was just 15 years old. Since that time, he has been  
17 arrested approximately 80 times and has amassed numerous criminal  
18 convictions, including acts of violence.

19 In February of 1993, at the age of 17, following a verbal  
20 altercation, Robinson fired three shots at the victim.

21 At the age of 19, Robinson assaulted two officers who were  
22 attempting to arrest him. During this incident, he broke one  
23 officer's nose and punched another officer in the face, causing a  
24 sore jaw.

25 Two years later, at the age of 21, he was convicted of

1 assault in the fourth degree for punching his girlfriend in her  
2 face and body.

3 In June 1998, Robinson confronted an ex-girlfriend at her  
4 place of employment. He grabbed her and shoved her against the  
5 wall. Four days later, he pulled up alongside of the victim and  
6 tried to run her off the road. When that failed, he pulled his  
7 car in front of the victim's, put the car in reverse, and hit the  
8 victim's car.

9 In April 2009, Robinson assaulted a female, presumably a  
10 former girlfriend, by pulling his car in front of her car,  
11 abruptly stopping, and backing up into her car at least three  
12 times. Also present in the victim's car were three children.

13 Robinson has numerous convictions for driving without a  
14 valid license or when his license has been suspended.  
15 Additionally, there are convictions for obstruction.

16 His criminal convictions show a pattern of violence,  
17 particularly against women, and a complete disdain for the law.

18 In this case, though it did not involve violence, he took  
19 advantage of juvenile females by, at a minimum, facilitating  
20 their prostitution activities and financially benefiting from it.  
21 He is entrenched in the criminal life-style. He's a danger.

22 This is signed by Bruce Miyake of the U.S. government's office.

23 So to suggest here today that Mr. Tramble is far worse and  
24 deserving as if he, like Mr. Robinson, was involved in the  
25 prostitution of four, not just one or two or three, but four

1 juvenile victims I think is disappointing and should not be  
2 condoned.

3 With all due respect to the government, I think Dr. Barrett  
4 is in the best position to determine the kind of treatment that  
5 is necessary to address the devastating effects of Mr. Tramble's  
6 upbringing. We did not have her report before he entered his  
7 guilty plea or prior to his rejection of the government's offer  
8 when he was still in state custody. It was clear to us there  
9 were some mental health issues. We didn't have a good  
10 understanding of the extent or the severity, how it played on his  
11 ability to problem solve, or how it played a pivotal role in his  
12 choices to engage in this serious offense.

13 Certainly, her evaluation explains a great deal about why we  
14 are here today, how we got here, some of the difficulties that we  
15 have encountered. But clearly, he is not the monster that the  
16 government would like Your Honor to find him to be. He is a  
17 damaged, mentally ill young man. He's paranoid. He's got the  
18 maturity of a 14-year-old. He was raised in a troubled  
19 environment, and sexually abused, that essentially led him to a  
20 life on the street by his own father.

21 So these life circumstances are not only sad, but they do  
22 explain why we are here. And most importantly, they explain how  
23 we can ensure through the justice system or do the best possible  
24 means of ensuring that this doesn't happen again. We can build  
25 on Mr. Tramble's desire to not lead this kind of life with the

1 support of federal supervision.

2 The offense is serious. We do not dispute that. We never  
3 have. We never will. She's the victim. It's a serious case.  
4 We don't condone what happened here. But there are certainly  
5 some very large disagreements about the facts of the case, and  
6 unless the court wants me to address the specifics, I think it  
7 suffices to say that the facts in the plea agreement are enough.  
8 They are serious enough for Your Honor to render an opinion.

9 We dispute much of what the government says that the victim  
10 has alleged and what has happened, and I think there are good  
11 reasons to doubt the accuracy of the depiction painted by the  
12 government this afternoon and in her briefing.

13 I also think there is good reason to believe that the victim  
14 is more sophisticated than the government would like Your Honor  
15 to believe, and I respectfully disagree that the analogy to a  
16 relapse is appropriate here.

17 We do have a victim that was admittedly engaged in this  
18 before she approached Mr. Tramble in downtown Seattle, and we  
19 also have a victim who had the gumption to lie, by omission or  
20 otherwise, to not only the federal prosecutor, but the federal  
21 officers, the state officers and the grand jury. So to suggest  
22 that she's this vulnerable, innocent, naive person is simply  
23 unfair.

24 But at the end of the day, why are we fighting about this?  
25 We agree it's serious. That's why Mr. Tramble pled guilty.

1 That's why it's in federal court. The first measure of  
2 seriousness are the guidelines. And the guidelines in this case  
3 say no more than 30 months captures the nature and seriousness of  
4 the offense conduct.

5 Now, these other cases that we cited, when I reviewed them,  
6 the government typically, if not in all of those cases, made the  
7 same kind of recommendation they are making here for a high end.  
8 But unlike those cases, we did not in this case pick a guideline  
9 range that was consistent with the range that would otherwise be  
10 applicable. In other words, some of the cases had -- you know,  
11 the defense thought the guideline range was 70 to 87 months. The  
12 government thought it was higher than that, so they reached a  
13 middle ground and said, okay, this is justice for both parties.  
14 Or the client had an exposure to 180 to 235 months, I think we  
15 reflected in our defense sentencing memorandum.

16 We don't have that here. We don't have this great high  
17 guideline that we're now asking to come down to and that would  
18 somehow suggest a high-end recommendation was warranted. We  
19 picked a guideline range far in excess -- or, I'm sorry, not a  
20 guideline range -- a range in great excess of the 30 months  
21 that's at the high end of the guidelines.

22 So why is 12 years even a credible option? Why is it  
23 considered when that agreement has nothing to do with any of the  
24 facts about Mr. Tramble's life or any of the departures or  
25 variances reflected in the guidelines themselves? Why is 12 even

1 considered when Your Honor has the duty to impose the minimum  
2 term necessary to penalize Mr. Tramble and achieve all other  
3 legitimate goals of sentencing? Why is anything more than eight  
4 years justified when all of these other cases that we can again  
5 go back and forth about whether it's serious or not serious and  
6 equal to Mr. Tramble?

7 Even if Your Honor considers them equal in seriousness to  
8 Mr. Tramble, they all received less than the low end of the  
9 guideline range -- or, sorry, less than the low end of the range  
10 we have agreed upon. That is telling to us, to the probation  
11 department, I believe, that eight years is enough.

12 And why is anything more than eight years necessary when we  
13 have someone like Mr. Tramble with his background that indicates  
14 he is not an incorrigible recidivist? I think we cannot be so  
15 appalled by the offense, that we lose sight of the offender. And  
16 I know and respect that Your Honor knows that.

17 And we know from Dr. Barrett that Mr. -- you know, what  
18 gave rise to his choice to act. We know the debilitating effects  
19 of even one of the things that happened to Mr. Tramble can have  
20 on the rest of a person's life. They were compounded by his  
21 father. But Mr. Tramble sees that. And that's the important  
22 part. Mr. Tramble sees that.

23 Through working with Dr. Barrett, he's able to reflect on  
24 his life. He's able to reconsider the choices that he's made,  
25 and he articulated to Dr. Barrett -- not reverse. Dr. Barrett

1 didn't tell him what he should do. He told her, looking back, I  
2 realize I should be with mom. And that's what he wants to do.  
3 And his mom is here, as are his sisters. His mom is a respected,  
4 thoughtful, hard-working woman. It's a mature, thoughtful  
5 decision by Mr. Tramble.

6       There is evidence of his efforts to reflect on these choices  
7 throughout Dr. Barrett's report, and Dr. Barrett has identified  
8 how we can address his treatment needs once he's on supervision.  
9 In other words, we can target the why and we can build upon  
10 Mr. Tramble's achievements to date, in other words, taking that  
11 huge step of looking back at our life and figuring out, what can  
12 I do better, and do I really want to change. I think that's good  
13 for Mr. Tramble and that's good for the community.

14       He's also sought treatment in the FDC already on his own.  
15 As Your Honor knows, they don't have a lot of resources at the  
16 FDC. We did learn through Ms. McLuen that we can try to get a  
17 GED or get that started. That, too, is something he wanted to  
18 do, and pursue his education, all in an effort to improve  
19 himself. And that also is good for our community.

20       He wants to take advantage of the services that the FCIs or  
21 the medical facility, wherever he is sent, offer. He wants to  
22 take advantage of all of the services on federal supervision.

23       So there is hope. He has learned his lesson. He doesn't  
24 want to live his life -- he doesn't want to treat women this way.  
25 And he's very sorry.

1 Under all these circumstances, there is simply no reason to  
2 believe 96 months is not enough. So we'd ask Your Honor to  
3 impose 96 months.

4 Unless Your Honor has questions for me, I know Mr. Tramble  
5 has a request with respect to placement. If he's not placed in a  
6 medical facility as outlined by Dr. Barrett, he'd like to go to  
7 FCI Phoenix. What's interesting is that his choice in that is  
8 because it does have vocational training. So he's taken the  
9 initiative to educate himself at the FDC regarding the  
10 facilities. And in keeping with his goals and hopes for the  
11 future, he understands there is furniture making and culinary  
12 arts offered at that program. And I would think whether he is in  
13 Phoenix or Sheridan near Washington, it would be the same amount  
14 of travel for his family, so it would be in keeping with the idea  
15 that he get placed where his family can visit as well.

16 THE COURT: Thank you, Ms. Wellman.

17 MS. WELLMAN: Thank you, Your Honor.

18 THE CLERK: Mr. Tramble, I have read the letter you  
19 submitted to the court. I have read all of the letters submitted  
20 also on your behalf. You have the right to make a statement  
21 prior to the court imposing sentence. This would be your  
22 opportunity.

23 THE DEFENDANT: I would like to apologize to the court  
24 for ever getting involved in a situation this severe. I never  
25 want to be a part of anything like this ever again. I was taking



1 steps toward changing my life, like accepting God into my life,  
2 and things like that. I'm just really ashamed about this whole  
3 ordeal. I'm ready to change. This is not the person I want to  
4 be. I don't want to be involved in anything like this ever  
5 again.

6 THE COURT: Thank you. Counsel, let me check with  
7 probation. Mr. Sanders, thank you very much for covering for Ms.  
8 McLuen. Obviously, you're quite aware of the presentence report  
9 prepared by her and also the background of this case. Let me  
10 point out, there is one typo on page three, paragraph three,  
11 towards the bottom of the paragraph. It says the parties agree  
12 that defense will advocate for a term of imprisonment of not less  
13 than 96; the government will advocate for a term of imprisonment  
14 of not less than 144. Actually, the plea agreement reads not  
15 more than 144. So, just to correct that. Other than that, Mr.  
16 Sanders, anything else you would like to say?

17 MR. SANDERS: Your Honor, I just think in this case, I  
18 don't think there is any dispute about the seriousness of the  
19 offense. There is no dispute about the need to provide  
20 deterrence in this case. But as pointed out in the  
21 recommendation, Mr. Tramble, for whatever reason -- maybe if we  
22 would have caught up with him sooner, maybe this wouldn't have  
23 happened. But the fact of the matter is, he has a horrific  
24 record, and nothing has really ever happened to him.

25 This is a big wake-up call. Even if he goes away for eight

1 years, it's a long time. He will be in his mid-thirties when he  
2 gets out. Hopefully, when he gets out, we'll be able to give him  
3 some of the help that he needs that hopefully he can move on with  
4 his life. But I wish we would have been able to catch him  
5 earlier before this happened.

6 THE COURT: Thank you.

7 MS. WOO: Your Honor, if I may make two quick comments.  
8 One is about the sentencing guidelines. I guess I'm a little  
9 surprised for the defense to make a big deal about it because of  
10 the fact that there was a lot of negotiation back and forth about  
11 how to resolve this in a way that allowed the government to ask  
12 for what we considered to be a significant amount of time, but  
13 also mostly so that the defendant did not face the mandatory  
14 minimum. In other cases, we've been able to work out other  
15 crimes that have allowed for that discretion of both parties, and  
16 that was the purpose here. So I guess I'm a little surprised  
17 they would bring that out in a way of saying, hey, his guideline  
18 range is significantly lower.

19 In fact, what his guideline range should have been, based on  
20 the charges here, is really closer to 14 to 16 years, and that's  
21 assuming credit for time served and all of that. So, you know, I  
22 just don't think that that's necessarily a very significant  
23 argument in terms of saying, hey, he's looking at less time and  
24 we're asking for more time, and so, therefore, you should give  
25 him 96 months.

1       The other thing I would note is that in Dr. Barrett's  
2       report, she actually recommends something even more severe, I  
3       think, than sexual deviancy evaluation. She's saying a guy like  
4       the defendant, that psychiatric hospitalization is often  
5       recommended. That's obviously not what we're asking for. We're  
6       asking for him to be evaluated, and if there is a treatment plan  
7       in place for him so that he can turn his life around and move  
8       beyond the abuse that he suffered as a child and all of the  
9       horrible things that come with that, that's what we're asking the  
10      court to take into consideration.

11           THE COURT: Thank you, Ms. Woo. Counsel, the total  
12      offense level as the court finds it here is 15, criminal history  
13      category three. It calls for an advisory imprisonment range of  
14      24 to 30 months, and that is for the plea to Count 2,  
15      transportation for the purpose of prostitution through coercion  
16      and enticement.

17           The court is quite aware of what happened here. It's a  
18      compromise between the government and the defense. Mr. Tramble  
19      did not want to face the 15-year mandatory minimum. Smart. What  
20      he should have done is taken the deal in King County, but that's  
21      gone. Now he finds himself here. He realizes I could be in  
22      really, really serious trouble. The compromise is eight to 12  
23      years, and we'll let the court determine what the appropriate  
24      sentence is within that particular range.

25           The court in this case, as indicated, is asked to put

1 certain conditions on supervised release, and after looking  
2 carefully at all of the materials submitted to this court,  
3 including the expert's report, I am troubled by several things,  
4 troubled by the fact that he has a horrific criminal history,  
5 troubled by the fact that he definitely preys on young women.  
6 He's had repeated sexual misconduct incidents going back to age  
7 12.

8 No question in this particular case, which is the one right  
9 at bar, he took advantage of a vulnerable young individual using  
10 threats and violence as a way to intimidate that young woman.  
11 For what? To fund his own life-style.

12 At the same time, the court is quite aware that he's had not  
13 the easiest of upbringings. But he's also a grown man. He makes  
14 his decisions now as to how he wants to live his life and the  
15 consequences of living that life. If you like the street life,  
16 you get the consequences of it when it catches up with you.

17 In terms of this case, the court will impose the following  
18 sentence. He will be placed on three years of supervised release  
19 once he is done with his custodial time. Restitution will be set  
20 at \$10,000, as agreed upon by the parties. Because of that large  
21 amount of restitution, the court will waive the fine. The only  
22 other monetary penalty will be the mandatory special assessment  
23 of \$100.

24 U.S. Probation recommends eight special conditions of  
25 supervised release. The court will impose each of those as set

1 out in the presentence report. The court will also incorporate  
2 some of the requested conditions by the government, but let me  
3 first of all just briefly summarize the ones that are included  
4 with the presentence report of probation.

5 Once he goes on supervised release, he is prohibited from  
6 possessing any firearms or destructive devices defined by  
7 statute. He will cooperate in the collection of DNA. He will  
8 submit to one drug and alcohol test within 15 days of placement  
9 on supervised release, and at least two periodic tests thereafter  
10 never to exceed eight valid tests per month.

11 He will participate, as instructed by probation, in any  
12 program approved by them for treatment of addiction, drug  
13 dependency or substance abuse. He is to completely abstain, that  
14 is, not use any intoxicants, any alcohol during the entire period  
15 of supervision.

16 He will submit to reasonable searches conducted at a  
17 reasonable time in a reasonable manner based upon reasonable  
18 suspicion.

19 He will participate, if so directed, in a mental health  
20 program approved by U.S. Probation.

21 He will provide probation with access to any and all  
22 requested financial information, including any authorization  
23 necessary to conduct credit checks and obtain copies of any  
24 income tax returns filed.

25 Additionally, the court will impose these conditions. And I

1 understand the defense argument in this case and arguing why some  
2 of these may not be necessary, but in looking at his background,  
3 especially at how young he was when he began sexually acting out,  
4 and looking at the expert's report in this case, there is some  
5 real concern. So the court will order that he participate in a  
6 sexual deviancy evaluation conducted by an approved sexual  
7 deviancy treatment provider, as directed and approved by U.S.  
8 Probation. If that evaluation says that he is deemed to be in  
9 need of sexual deviancy treatment, then he shall actively  
10 participate and make reasonable progress in a certified sexual  
11 deviancy treatment program as designated and overseen by U.S.  
12 Probation.

13 He is to follow all rules, including other life-style  
14 restrictions by any treatment provider, including mental health  
15 and/or sexual deviancy therapist, continue with those rules and  
16 restrictions as they pertain to avoiding risk situations  
17 throughout the course of his supervision.

18 He's to have no direct or indirect contact with the  
19 individual known as female victim one or juvenile female one and  
20 other witnesses in this case by any means. That includes in  
21 person, by mail, by electronic means, texting, phone, via third  
22 parties without the prior approval of U.S. Probation. If any  
23 contact occurs, even inadvertently, he must immediately leave the  
24 area of contact, report that contact to his probation officer.  
25 Those will be the other special conditions that the court will

1 add.

2 Counsel, that only leaves the amount of custodial time to do  
3 in this case. The court took everything into consideration in  
4 trying to figure out what an appropriate amount of time would be  
5 for this particular defendant. I certainly am not aware of all  
6 of the background of all the other individuals that are named by  
7 both the government and the defense in their memorandums. I was  
8 not and did not review the presentence reports and look at the  
9 specifics of their cases, because I'm looking at the specifics of  
10 this case, and I'm looking at the agreement that was made and the  
11 potential exposure that was avoided. And I'm also looking at the  
12 actions that brought Mr. Tramble before this court.

13 The violence towards young women is not acceptable. It's a  
14 very, very serious offense. I am not saying she was an angel by  
15 the time she met him. Obviously, she's also a flawed individual,  
16 and who knows what her upbringing was like to put her in that  
17 particular position. But the fact that he deliberately believes  
18 that that is the best way of funding his life-style is of real  
19 concern.

20 The court in this case will impose 120 months of custody,  
21 credit for all time served on this cause number. The court feels  
22 that he should be placed in a medical facility. I think it would  
23 be to his advantage to end up in one. If not, alternatively the  
24 court will recommend FCI Phoenix.

25 MS. WELLMAN: Your Honor, it's my understanding the

1 Bureau of Prisons will not credit him with the time that he spent  
2 in King County custody on these same charges unless Your Honor  
3 subtracts that time from the 120 months imposed.

4 I recently had this issue come up in cases when we'd  
5 sentenced them in front of Judge Pechman long ago and we  
6 believed, based on Bureau of Prisons' policy, that if it  
7 reflected in the judgment that credit should be given for all  
8 that time, that that would take care of it. It didn't. If Your  
9 Honor is not comfortable subtracting the time, I would at least  
10 ask that the judgment reflect that he should get that time, which  
11 is, of course, consistent with Title 18.

12 THE COURT: Ms. Wellman, if I understand correctly, he  
13 was arrested by local authorities on this case November 25, 2009  
14 and then released; correct?

15 MS. WELLMAN: Correct.

16 THE COURT: He was re-arrested on January 21, 2010 and  
17 detained from that date on?

18 MS. WELLMAN: That's correct, all related to the  
19 same --

20 THE COURT: He was then transferred into federal  
21 custody on July 9, 2010.

22 MS. WELLMAN: That's correct.

23 THE COURT: So in terms of actually being held, he was  
24 held for not quite six months.

25 MS. WELLMAN: I would defer to your math, Your Honor.



1           THE COURT:   January 21 to July 21 would be six months;  
2   correct?

3           MS. WELLMAN:   Correct.

4           THE COURT:   So he was held from January 21 to July 9th.  
5   That's three weeks short of six whole months.   All right.

6           MS. WELLMAN:   Yes, Your Honor.

7           THE COURT:   Let's do it this way.   I do not mean to  
8   increase his time at all, so let's go ahead and subtract six  
9   months from the 120, so the judgment form, just to make it easier  
10   for everyone, should read 114 months.

11          MS. WELLMAN:   Thank you, Your Honor.

12          MS. WOO:   Your Honor, I'd actually like to propose,  
13   because I know that the probation office has some very specific  
14   language with respect to the sexual deviancy evaluation and  
15   treatment, and as I recall, it's actually much longer than the  
16   language that the government has put in our sentencing  
17   memorandum, because it refers to who is responsible for costs and  
18   supervision and that sort of thing, if I could consult with  
19   probation, prepare the judgment, so that it accurately reflects  
20   the language that the probation office needs, provide it to  
21   Ms. Wellman and Mr. Carroll, and then we can submit it to the  
22   court later today, if we could do that.   Otherwise, I'd be happy  
23   to sit and hand write the language in as well.

24          THE COURT:   Let me ask Ms. Wellman, Mr. Carroll, do  
25   either of you mind looking at it later?

1 MS. WELLMAN: Well, normally, I don't. I'm just not  
2 sure if it's beyond and more extensive than what she proposed and  
3 argued and typed out in her memorandum, or if there is more meat  
4 to it, I guess, for lack of a better word.

5 MS. WOO: If I can consult with Mr. Sanders.

6 MS. WELLMAN: I'm not sure we need it.

7 THE COURT: I understand. Let me do this. Why don't  
8 you show the proposed language to Mr. Sanders. He can tell us if  
9 he thinks it should be any different, and we can finalize it  
10 right here.

11 MS. WOO: That's fine.

12 MS. WELLMAN: Thank you, Your Honor. Your Honor, my  
13 apologizes. One last thing I forgot to mention. He would  
14 appreciate a recommendation from Your Honor for the RDAP program.  
15 He knows that it's not binding on the Bureau of Prisons and he  
16 knows that it's up to the Bureau of Prisons whether he gets  
17 credit against his time for that, but he would, nevertheless,  
18 like to participate in the program and take advantage of that  
19 while in custody.

20 THE COURT: Thank you, Ms. Wellman. I think it  
21 certainly makes sense for him. My understanding is under the  
22 current rules and regulations, they probably will not give him  
23 credit for release, but we will certainly make that  
24 recommendation and add it to the judgment.

25 MS. WELLMAN: Thank you, Your Honor.

1 MS. WOO: Your Honor, I've included in here the  
2 additional supervised release conditions, the other aspects of  
3 the court's order on sentencing, and have reviewed it with  
4 Mr. Sanders. I'll review it now with Ms. Wellman and  
5 Mr. Carroll.

6 THE COURT: Thank you. And, Ms. Woo, one more thing.  
7 If you can indicate on the judgment form the court makes a  
8 recommendation to the Bureau of Prisons that he be allowed into  
9 the RDAP program.

10 MS. WOO: Yes, we have included that, Your Honor.

11 MS. WELLMAN: Your Honor, just so we're all on the same  
12 page, I did not take your order to mean that the sexual deviancy  
13 was in lieu of the mental health -- do you want mental health no  
14 matter what, and potentially the sexual deviancy? Do you want  
15 both conditions in there?

16 THE COURT: Yes.

17 MS. WELLMAN: Or did you want the mental health crossed  
18 out?

19 THE COURT: I want both conditions in there.

20 MS. WOO: Your Honor, I think we're going to propose to  
21 type it in full and then send it to the court, but they can  
22 approve it now based on their review of the judgment.

23 THE COURT: That's what I would like, yes.

24 MS. WELLMAN: Your Honor, we have both reviewed the  
25 judgment. I believe it reflects the order of the court. My

1 client would waive his appearance at the signing of the judgment  
2 once a corrected version is provided.

3 THE COURT: Thank you. So in other words, in order to  
4 clean it up, we'll have the U.S. Attorney's Office type it up,  
5 send it for your review, Ms. Wellman, and then assuming it meets  
6 with your approval, the court will then sign it. No need to  
7 bring Mr. Tramble back.

8 MS. WELLMAN: Thank you, Your Honor. I appreciate it.

9 THE COURT: But let me indicate for the record two  
10 final things. One, the court will wait to sign the judgment form  
11 once it's approved by both sides.

12 And two, paragraph 14 of the plea agreement of the parties  
13 indicates that as long as the court imposes a custodial sentence  
14 as jointly recommended by the parties -- the court did -- then  
15 the defendant would waive his right to appeal the sentence.  
16 Therefore, the terms of paragraph 14 will apply. All right.  
17 We'll be at recess.

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1 CERTIFICATE  
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8 I, Denae L. Hovland, Official Court Reporter, do hereby  
9 certify that the foregoing transcript is true and correct.  
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11 /S/Denae L. Hovland

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Denae L. Hovland  
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